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U.S. DISTRICT COURT E.D.N.Y.

★ SEP 30 2016 ★

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

----- X  
ANWAR ALKHATIB,

Plaintiff,

-against-

NEW YORK MOTOR GROUP LLC, et al.,

Defendants.  
----- X

**ORDER ADOPTING IN  
PART REPORT AND  
RECOMMENDATION**

13-cv-2337 (ARR) (SMG)

----- X  
SHAHADAT H. TUHIN,

Plaintiff,

-against-

NEW YORK MOTOR GROUP LLC, et al.,

Defendants.  
----- X

13-cv-5643 (ARR) (SMG)

----- X  
SIMON GABRYS,

Plaintiff,

-against-

NEW YORK MOTOR GROUP LLC, et al.,

Defendants.  
----- X

13-cv-7290 (ARR) (SMG)

-----	X	
BORIS FREIRE,	:	
	:	
Plaintiff,	:	13-cv-7291 (ARR) (SMG)
	:	
-against-	:	
	:	
NEW YORK MOTOR GROUP LLC, et al.,	:	
	:	
Defendants.	:	
-----	X	
-----	X	
ZHENG HUI DONG,	:	
	:	
Plaintiff,	:	14-cv-2980 (ARR) (SMG)
	:	
-against-	:	
	:	
NEW YORK MOTOR GROUP LLC, et al.,	:	
	:	
Defendants.	:	
-----	X	
-----	X	
NASRIN CHOWDHURY,	:	
	:	
Plaintiff,	:	14-cv-2981 (ARR) (SMG)
	:	
-against-	:	
	:	
NEW YORK MOTOR GROUP LLC, et al.,	:	
	:	
Defendants.	:	
-----	X	

ROSS, United States District Judge:

The court has received the Report and Recommendation on these six related cases dated June 3, 2015 from the Honorable Steven M. Gold, United States Magistrate Judge. See Mem. & Order and R. & R., No. 13-cv-5643, Dkt. #93.

Plaintiffs assert claims against used car dealerships New York Motor Group and Planet Motor Cars, as well as two individuals associated with those dealerships: Mamdoh Eltouby, who owns and operates them, and Nada Eltouby, who was at relevant times employed by them. Collectively, I refer to these four defendants as the “dealership defendants.” Plaintiffs also assert claims against financial institutions M&T Bank, Capital One Auto Finance, and Santander Consumer USA, Inc.

The dealership defendants sought dismissal of the civil RICO claims against them, and plaintiffs sought leave to amend their complaints. The Report and Recommendation denied the dealership defendants’ motion to dismiss and granted the plaintiffs’ motion to amend. The dealership defendants filed no objections. Accordingly, I have reviewed the Report and Recommendation for clear error on the face of the record. See Advisory Comm. Notes to Fed. R. Civ. P. 72(b); accord Brissett v. Manhattan & Bronx Surface Transit Operating Auth., No. 09-cv-874, 2011 WL 1930682, at \*1 (E.D.N.Y. May 19, 2011). Having reviewed the record, I find no clear error and so, pursuant to 28 U.S.C. § 636(b)(1), I adopt the Report and Recommendation with respect to denial of the motion to dismiss the RICO claims against the dealership defendants and grant of the plaintiffs’ motions to amend against these defendants.

As is evident, this order relates solely to claims by the plaintiffs against the dealership defendants. I decline to address at this time the portions of the Report and Recommendation that relate to claims by the plaintiffs against the financial institutions.<sup>1</sup>

SO ORDERED.

/s/(ARR)

\_\_\_\_\_  
Allyne R. Ross  
United States District Judge

Dated: September 29, 2016  
Brooklyn, New York

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<sup>1</sup> I also decline to address the Report and Recommendation's disposition of plaintiff Tuhin's Magnuson-Moss Warranty Act claim, as the dealership defendants did not move to dismiss on this basis.